

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

OBIE PHILLIPS,

Plaintiff,

v.

TYRONE OLIVER, *et al.*,

Defendants.

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No. 1:24-cv-00165-LAG-TQL

ORDER

Plaintiff Obie Phillips, a prisoner in Dooly State Prison, filed a pro se civil rights complaint under 42 U.S.C. § 1983. Compl, ECF No. 1; Suppl., ECF No. 2. Plaintiff has also now filed a prisoner trust fund account statement, which this Court will construe as a motion to proceed in this action *in forma pauperis*. Prisoner Trust Fund Account Statement, ECF No. 5.

Any court of the United States may authorize the commencement of a civil action, without prepayment of the required filing fee (*in forma pauperis*), if the plaintiff shows that he is indigent and financially unable to pay the court's filing fee. *See* 28 U.S.C. § 1915(a). A prisoner wishing to proceed under § 1915 must provide the district court with both (1) an affidavit in support of his claim of indigence, and (2) a certified copy of his prison "trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(b).

Plaintiff did not provide an affidavit of indigence attesting that he cannot afford the

fee with his account statement. Moreover, according to Plaintiff's certified account statement, Plaintiff has a current spendable balance in his prisoner account of \$6,499.98. Prisoner Trust Fund Account Statement 1-2, ECF No. 5. Thus, it appears from his filings that Plaintiff has the ability to pay the Court's \$405.00 filing fee. As a result, Plaintiff's motion for leave to proceed *in forma pauperis* is **DENIED** and Plaintiff is **ORDERED** to pay the \$405.00 filing fee if he wants to proceed with this action.

Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this order to pay the \$405.00 filing fee. Plaintiff's failure to pay the filing fee may result in this dismissal of this case.¹ In the meantime, there shall be no service of process in this case pending further order of the Court.

SO ORDERED, this 9th day of December, 2024.

s/ ***Thomas Q. Langstaff***
United States Magistrate Judge

¹If Plaintiff's circumstances have materially changed, such that he is no longer able to pay the filing fee, he may file a new, complete motion for leave to proceed *in forma pauperis*, explaining any change in circumstances that prevents him from paying the filing fee. Any new motion must include an affidavit of indigence and an updated account certification form, including a printout showing the previous six months' worth of transactions.